



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

February 22, 2012

BY OVERNIGHT DELIVERY

National Railroad Passenger Corporation a/k/a AMTRAK
Attention: Eleanor Acheson
Vice President and General Counsel
60 Massachusetts Avenue NE
Washington, DC 20002

Re: Newtown Creek Superfund Site, Kings County and Queens County, New York
Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675

Dear Ms. Acheson:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release and threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" law). More information about CERCLA, including a copy of the Superfund law, may be found at www.epa.gov/superfund.

EPA has documented the release and threatened release of hazardous substances into the environment at the Newtown Creek Superfund Site ("Site"). The Site includes a body of water located in Kings County and Queens County in the City of New York and the State of New York. Newtown Creek is a tidal arm of the New York-New Jersey Harbor Estuary that forms the northwestern-most border between the New York City boroughs of Brooklyn and Queens. It is a tributary of the East River and includes Newtown Creek proper and its five branches (or tributaries) which are known, respectively, as Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills, along an approximately 3.8-mile reach. References in this letter to "Newtown Creek" are meant to include Newtown Creek proper and its tributaries. Further information about the Newtown Creek Superfund site is available on EPA Region 2's website at: <http://www.epa.gov/region02/superfund/npl/newtowncreek/>.

In response to the release and threatened release of hazardous substances into the environment at the Site, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

The Site has been listed pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, on the national priorities list of releases and threatened releases of hazardous substances, based upon the relative risk or danger to public health or welfare or the environment, for the purpose of taking action pursuant to CERCLA at such sites. Newtown Creek was listed pursuant to EPA

rulemaking by publication in the *Federal Register*, on September 29, 2010. A remedial investigation and feasibility study at the Site is currently being undertaken, under EPA oversight, by a group of potentially responsible parties pursuant to an administrative settlement agreement and order on consent. The remedial investigation focuses on a Study Area which includes the sediments and the waters of Newtown Creek.

Historically, Newtown Creek drained the uplands of western Long Island and flowed through wetlands and marshes. However, due to heavy industrial development and governmental activities dating from the 1800s, formerly wet areas have been filled, Newtown Creek has been channelized, and its banks have been stabilized with bulkheads and rip rap.

The Newtown Creek area of Brooklyn and Queens has a history of extensive industrial development stretching back to the 1800s. By the second half of the nineteenth century, the area surrounding and adjacent to Newtown Creek had become highly industrialized. This development resulted in major reworking of the Creek banks and channel for drainage, municipal discharges, and navigation purposes. Hazardous substances discharged by industrial, municipal, and other sources over the years ended up in the Creek. Currently the predominant land use around Newtown Creek includes industrial, manufacturing, warehousing, transportation, municipal infrastructure, and utility facilities. Residential development is planned for the areas near the mouth of the Creek on both the Brooklyn and Queens sides.

The Site includes contaminated sediments for which there are numerous possible sources. Sampling events have shown the sediments in the Creek to be contaminated with a variety of hazardous substances which traverse almost the entire length of the Creek, and which include a wide variety of metals, pesticides, polycyclic aromatic hydrocarbons, phthalates, polychlorinated biphenyls, and volatile organic contaminants.

As part of its investigation of potential sources of contamination to Newtown Creek, EPA is seeking information regarding entities which operated in the vicinity of Newtown Creek. AMTRAK is receiving this letter because EPA believes that the company currently owns and operates, and that related predecessors formerly owned or operated the Sunnyside Yard, a facility in very close proximity to Newtown Creek and its Dutch Kills tributary, and that AMTRAK and its related predecessors may have discharged or released hazardous substances that ended up in Newtown Creek. Please also note that EPA's investigation of the source of contamination to Newtown Creek is expected to occur in phases. Thus, as EPA obtains information concerning the Site, the Agency may seek further information from your company about its ownership or operation of your company's facilities.

INFORMATION REQUEST

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response

to the attached Request for Information should be submitted to EPA within 45 calendar days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows the Agency to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information that EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included with the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information in hard copy and pdf should be sent to:

Michael A. Mintzer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866
mintzer.michael@epa.gov

with a copy in pdf only to:

Caroline Kwan
Remedial Project Manager
New York Remediation Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866
kwan.caroline@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, you may call Mr. Mintzer at (212) 637-3168.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

A handwritten signature in cursive script that reads "Nicoletta DiForte".

Nicoletta DiForte
Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. Please provide one hard copy as well as a pdf copy (on diskette) of your response and documents to Mr. Mintzer, and one pdf copy (on diskette) to Ms. Kwan.
4. For each document produced in response to this Request for Information, indicate on the document, or in some other clear manner, the question to which it applies.
5. In preparing your response to each question, consult with all present and former employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains.
6. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
8. If you have reason to believe that an individual other than one employed by your Company, as the term is defined below, may be able to provide additional details or documentation in response to any question, identify that person.
9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
10. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
11. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
12. If a response to any question is answered completely by a response to another question, or a request for a document has been addressed by a separate production, you may cross reference the responses so that you do not need to provide a duplicate response or duplicate documents.

13. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b).
14. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:
 - a. the portions of the information which are alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information entitled to confidential treatment will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. As used herein, the term “Newtown Creek” shall refer to Newtown Creek, and shall include its five branches or tributaries, respectively Dutch Kills, Maspeth Creek, Whale Creek, East Branch, and English Kills.
2. As used herein, the term “Site” shall refer to Newtown Creek and any areas that have been a source of contamination to Newtown Creek, or are places where releases of such contamination to the Newtown Creek have come to be located.
3. As used herein, the term “hazardous substance” shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of “hazardous substance” under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms “hazardous waste,” “disposal,” and “storage” shall have the meanings set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
5. As used herein, the term “industrial waste” shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more “hazardous substances” (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a “hazardous waste” as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
6. As used herein, the term “release” shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
7. As used herein, the term “Company” refers to the addressee of this letter and its current and past constituent and affiliated entities that may have owned, controlled, leased or operated or had rights to operate at the Facility.

8. As used herein, the term “affiliate” or “affiliated” refers to all entities now or formerly controlling, controlled by or in common control with the Company, and whether currently in existence or no longer in existence.
9. As used herein, the terms “Facility” shall mean the facility commonly known as the Sunnyside Yard, comprising approximately 105 (or 133) acres, with an address reported as 39-29 Honeywell Street, Long Island City, Queens, NY together with the structures, infrastructure and other improvements located thereon.
10. The term “identify” means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position, or business.
11. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (*e.g.*, corporation, partnership, business trust, etc.), a brief description of its business and its ultimate parent corporation.
12. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA or in their implementing regulations, in which case the statutory or regulatory definitions apply.

REQUEST FOR INFORMATION

Section 1.0 Company Information

1. Company Identification: Provide the following information with respect to the Company.
 - a. The full legal, corporate name and mailing address.
 - b. The state and date of incorporation, and the agents for service of process.
 - c. Citation to statutes providing for the organization of the Company and its qualification to do business in the State of New York.
 - d. The Chief Executive Officer or other presiding officer of the entity and the mailing address of that officer.
2. Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.

Section 2.0 Owner/Operator Information

3. Provide a brief summary of the Company's relationship to the Facility (see Definition number 9 for "Facility"), including:
 - a. Nature of the Company's interest in the Facility;
 - b. Date (or dates) of acquisition of any interest in the Facility, and identity of transferor and transferee;
 - c. Dates of commencement of the Company's operation of the Facility;
 - d. The principal business and each other line of business conducted by the Company at the Facility;
 - e. Map or schematic depicting and locating the Facility; and
 - f. Copy of all instruments evidencing the acquisition by the Company of the Facility (e.g., deeds, leases, licenses, purchase and sale agreements, partnership agreements, etc.).
4. Identify the following information for each of the following entities: i) AMTRAK; ii) each AMTRAK subsidiary or affiliate; iii) New Jersey Transit; iv) Long Island Railroad; v) Metro North; and vi) New York City Metropolitan Transit Authority for the period during which AMTRAK has owned the Facility:
 - a. Rights, if any, of each such entity to occupy or use the Facility or any part thereof, including without limitation as owner, lessee, sublessee, partner, joint venturer, licensee, holder of easement or otherwise, and identify all operating agreements with each such entity and provide a summary of each such operating agreement;
 - b. Describe in detail all operations conducted by each entity at the Facility;

- c. During the period of the Company's ownership of the Facility, did any of the trains operated or serviced at the Facility by the Company or by any other entity utilize PCB transformers? If the answer is yes, identify the period of operation or service, the type of locomotive and train, and the type of transformer.
 - d. Identify all releases of hazardous substances, industrial waste, and other wastes (including petroleum) that were reported to any regulatory authority by the Company or any other entity that operated at the Facility while the Facility was owned by AMTRAK.
 - e. State whether any other railroad entities have rights to use any portion of the Facility.
5. Operations at the Facility.
- a. Describe the Company's railroad car and locomotive maintenance and washing operations conducted at the Facility during the Company's period of ownership or operation, including: the nature of maintenance and washing activities; the equipment serviced; waste disposal practices; and the entity or entities servicing equipment at the Facility (whether AMTRAK provided such service or whether other entities (e.g., New Jersey Transit, etc.) provided their own service at the Facility).
 - b. Describe the High Speed Trainset Facility Service and Inspection operations conducted or planned to be conducted at the Facility and the infrastructure associated with such operations.
 - c. Identify all other operations conducted at the Facility during the period of the Company's ownership and operation of the Facility.
6. Elevated Bridges and Highways. Identify all elevated bridges and highways crossing over the Facility; identify drainage systems from such bridges and highways that drain onto the Facility, and state how the drainage is managed at the Facility; identify the owners and operators of the bridges and highways and the easements, rights of way or other legal relationship between the Company and the owners or operators of the bridges and highways.
7. Provide maps or schematics showing all buildings and other infrastructure at the Facility for all periods of the Company's ownership or operation of the Facility.
8. Civil Litigation, Administrative Enforcement and Criminal Matters:
- a. Has the Company or an affiliate been a party to any litigation, whether as plaintiff or defendant, where an allegation included liability for contamination of or from the Facility or any other facility located within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, identify such litigation and its disposition, briefly describe the nature of the Company's involvement in the litigation and provide a copy of the pleadings and any final

order.

- b. Has the Company or an affiliate been identified by EPA or by any New York State or New York City agency as a party responsible for environmental contamination with respect to the Facility or any other facility located within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.
- c. Has the Company or an employee, affiliate, contractor or agent ever been accused of any criminal violation relating to illegal disposal or any other environmental matter in connection with any activity or operation at the Facility? If so, describe the disposition of such accusation and provide details on such accusation.

9. Operations Over the Waters of Newtown Creek:

- a. During the period of the Company's ownership of the Facility, has the Company operated any trains that cross over railroad bridges above Newtown Creek, including Dutch Kills, English Kills or any other tributary of Newtown Creek?
- b. If your answer to subparagraph a of this question is yes, identify the bridges crossed, the locomotives utilized in such crossings, whether the trains utilized PCB transformers, and the weekly frequency of such crossings during the Company's ownership of the Facility.
- c. Identify whether AMTRAK trains, in operation, have discharged or released, or if any regulatory authority has alleged that the Company has discharged or released any wastes, including without limitation, diesel, hydraulic oil, other petroleum, non-petroleum oil or other waste materials, and identify with specificity all wastes that may have been or are typically released from operating trains (including trains of different vintages, during the period of the Company's ownership of or operation at the Facility) and, if applicable, the volume per mile of such discharges.

Section 3.0 Description of the Facility

- 10. Provide the following information for the Facility, including a description responsive to each question and depictions by map, drawing, survey or otherwise for the period of the Company's ownership of the Facility:
 - a. Address and borough, blocks and lots numbers of the Facility;
 - b. Property description of Facility and estimate of total acreage;
 - c. all surveys and drawings of the Facility which are in your possession showing:
 - i. current configurations and improvements of the Facility; and
 - ii. previous configurations and improvements during the entire period of the Company's ownership of the Facility.

- d. sanitary sewer system and catchment area information, including drawings, sewer easements, surveys or maps showing location and configuration:
 - i. current sanitary sewer; and
 - ii. previous sanitary sewers during the period of the Company's ownership of the Facility.
 - e. storm water sewer system and catchment area information, including drawings, surveys or maps showing:
 - i. current storm water sewer; and
 - ii. previous storm water sewer during the period of the Company's ownership of the Facility.
 - f. State whether any outfalls, ditches, drains, direct discharge facilities or other conveyance features discharge directly or indirectly into Newtown Creek (including Dutch Kills or other tributary) and, if so, provide surveys or drawings showing:
 - i. current configuration; and
 - ii. previous configurations during the period of the Company's ownership of the Facility.
 - g. For all items identified in subparagraphs b, c, d and e, locate each such item on a Facility map or plan, provide the date of installation, and state whether such items are still in service or, if not, when they were removed from service.
11. Were any portions of the Facility historically part of Newtown Creek or did the Facility formerly include any marshlands or wetlands associated with Newtown Creek? Please depict any such areas on a survey, drawing or schematic. Please provide your understanding of who filled any such wet areas, the approximate date of such fill, the lateral extent and depth of such fill, the source of the fill material, the composition of the fill and, if any sampling has ever been done of such filled areas, provide a copy of the sampling results.
12. Provide a copy of all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
13. Provide copies of any storm water or Facility drainage studies, including data from sampling conducted at the Facility on stormwater, sheet flow, or surface water runoff. Also provide copies of any stormwater pollution prevention, maintenance, or spill plans developed for different operations during the Company's operation of the Facility.
14. Connections to New York City sewer system:

- a. State whether the Facility is connected to the New York City sewer and the date that the Facility was first connected;
- b. State whether the Facility has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;
- c. State whether the Facility participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, and whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to use of the New York City sewer system;
- d. Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;
- e. Provide copies of all permits and permit applications for industrial wastewater discharge permits;
- f. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;
- g. Copies of all periodic monitoring reports for wastes discharged through the sewer system; and
- h. Copies of all invoices from New York City or the New York City Water Board for water and/or wastewater charges including any wastewater allowances.

Section 4.0 Regulatory Information

15. Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation at the Facility, the activity regulated and the applicable federal, state and local statute or regulation from which such regulation was derived.
16. Describe all notices of violation received by the Company during its period of ownership of the Facility from each governmental agency that regulates the Facility and the disposition of each such notice of violation.
17. Provide a list of all local, state and federal environmental permits which have been applied for or issued to the Company with respect to the Facility for any media, e.g., water (including State Pollutant Discharge Elimination System and National Pollutant Discharge Elimination System, New York City sewer, Industrial Pretreatment Program or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, industrial wastewater, etc. under any environmental statute or regulation. Provide a copy of each federal or state permit and the applications for each permit.

18. Was a Notification of Hazardous Waste Activity ever filed with EPA or New York State for any activity at the Facility during the period that the Company or any affiliate owned or operated at the Facility. If so, provide a copy of such notification and the response given by EPA or New York State including the RCRA identification number assigned.
19. Identify all state or City offices to which the Company has sent or filed hazardous substance or hazardous waste information with regard to the Facility. State the years during which such information was sent/filed.

Section 5.0 Facility Releases, Investigations and Remediation

20. Identify all environmental incidents including spills, emissions, discharges and releases of waste materials that required corrective action at the Facility during the time that the Company has owned the Facility. For each incident identify the material discharged and the corrective action taken.
21. Provide a copy of the administrative order on consent (including all modifications or amendments) issued by New York State Department of Environmental Protection to the Company and New Jersey Transit Corporation relating to the environmental investigation and cleanup of the Facility.
22. Identify all actions by the Company to investigate or remove contaminated soil at the Facility during the period of Company's ownership and provide a copy of all environmental studies and reports relating thereto.
23. Identify all actions by the Company to investigate or treat surface water and groundwater at the Facility during the period of Company's ownership and provide a copy of all environmental studies and reports relating thereto.
24. Identify all actions by the Company to investigate sediment, geology, hydrology, or air quality on or about the Facility and provide a copy of all environmental studies and reports relating thereto.
25. Describe any remediation or response actions that the Company has ever taken or is currently taking at the Facility, either voluntarily or as required by any regulatory authority, if such information is not otherwise already provided in response to any other question in this Information Request. Provide copies of all enforcement agreements with regulatory agencies pursuant to which such response actions were undertaken as well as all reports of investigations or cleanup activities on the Facility.

26. Did the Company undertake environmental investigation at the time of its acquisition of the Facility? If the answer is yes, provide a copy of all environmental investigation reports developed in connection with such investigation.

Section 7.0 Compliance with this Request and Financial Information

27. Persons and Sources Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all sources that the Company reviewed in responding to this request, including, but not limited to:
- a. the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and
 - b. a description and the location of where all sources reviewed are currently located, and the questions to which such sources relate.
28. Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the Company's waste management.
29. Indemnification:
- a. Identify each entity that may have a duty to indemnify the Company for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and
 - b. Identify each entity that the Company has agreed to indemnify for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify by the Company.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION
NEWTOWN CREEK SUPERFUND SITE

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

NAME (print or type)

TITLE (print or type)

COMPANY NAME

SIGNATURE

Sworn to before me this _____ day of _____, 2012

Notary Public

My commission expires: _____

[STAMP OR SEAL]